

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Sections 74.1203(a)(3) and)	RM No. 11786
74.1204(f) of the Commission's Rules to)	
Protect Local Radio Service Provided by)	
Fill-In Area FM Translators)	

To: The Commission

**CONSOLIDATED COMMENTS
OF
THOMAS H. MOFFIT, JR., TENNESSEE MEDIA ASSOCIATES &
FOOTHILLS RESOURCE GROUP, INC.**

Thomas H. Moffit, Jr. ("Moffit"), Tennessee Media Associates ("TMA") and Foothills Resource Group, Inc. ("Foothills") (hereinafter collectively referred to as "Broadcasters") by Counsel, and pursuant to the *Public Notice Report No. 3074 (released April 18, 2017)* submits these Comments in support of the above-captioned rule making proposal filed by Aztec Capital Partners, Inc. ("Aztec"). Moffit is the licensee of Radio Station WETR-AM at Knoxville, Tennessee, as well as fill-in FM Translator Station W222BA at Karns, Tennessee. Moffit is the 100% equity owner of TMA, and TMA is the licensee of Radio Station WRJZ-AM at Knoxville, Tennessee. Moffit is also the President of Foothills, and Foothills is the non-profit, non-commercial licensee of WRJZ's fill-in FM Translator Station W256CN at Sevierville, Tennessee. In support hereof, Broadcasters submit the following:

Aztec's proposal should be welcomed by the radio broadcast community as an effort to modernize the FM Translator rules and policies of the Federal Communications

Commission ("FCC"). Although FM Translator Stations operate on a secondary basis to full power FM radio stations, within the context of AM Revitalization there is nothing secondary or inferior about the service they provide to the public or the important role they provide in allowing AM radio stations to compete for audience share and advertising revenue.

Since Moffit & TMA initiated fill-in FM Translator service for their respective AM Radio Stations there has been a modest increase in audience share and advertising revenue for WETR and WRJZ. And the public comments that Moffit & TMA have received in the past year, it is obvious that the public's perception of WETR's and WRJZ's programming has been enhanced by each station's rebroadcast on the local FM dial. With those thoughts in mind, Moffit & TMA can empathize with Aztec's frustrations of being prevented from keeping its FM Translator Station on-air due to listener complaints from persons residing well outside of the radio market that Aztec operates in.

Earlier this year TMA and Foothills launched the WRJZ and W256CN relationship and almost immediately were greeted with an interference complaint from the licensee of co-channel WNML-FM at Friendsville, Tennessee. Fortunately, W256CN operates in a rural area and Foothills was able to find an alternative channel to operate on. Accordingly, a modification application was filed on March 21, 2017 and three weeks later the FCC approved that translator's modification to Channel 258. *See, Construction Permit BPFT-20170321AAF for new Call Sign W258DB.*

As a result of this recent experience, Broadcasters are well aware, under current FCC policy, how captive and fragile such operations are to interference complaints. Since Broadcasters may try to acquire another FM Translator Station in the future, the matters at issue here remains important. Accordingly, Broadcasters submit that the following changes need to be made to the FCC's rules and policies regarding FM Translator

interference complaints:

1. The FCC should require that there be a minimum number of verifiable complaints of interference that would trigger the necessity that the FM Translator Station take corrective action or shut down. Recently NAB suggested that this number be six (6). Broadcasters submit that the minimum number be ten (10), and that each complaint be verified with a dated written statement that includes the person's full name, address, phone number or email address, and specific information as to where the interference takes place and how often that person listens to the distant signal station. Finally, none of these complaints should be considered verifiable until such time as the licensee of the FM Translator has an opportunity to speak with or meet with each complainant. The failure of a complainant to cooperate within 30 days of his or her written statement should result in the disregard of that complaint as unverifiable.

2. There should be a distance barrier that would prevent listener complaints from being considered. Someone who resides or works a certain distance away from the distant signal's transmitter location should have no expectation of a clean or audible signal. Broadcasters submit that such distance should be the area within the distant signal's 60 dBu contour or 25 miles, whichever is greater. Anyone residing, working or driving outside that area should not qualify as a viable listener complainant. The absolute certainty of such distance calculations is necessary for administrative convenience.

3. Broadcasters feel that the needs of the local community where fill-in translator service is provided far outweigh the needs of one or two distant listeners of a distant station. With that in mind, Broadcasters believe the FCC should dismiss any complaint where it can be shown that the programming on the distant signal station can be accessed by alternative means (such as Internet stream, smart phone connection and the like).

Since the FCC updated its rules and policies in 2009 to allow certain FM translator stations to rebroadcast certain AM Radio Stations, there has been modest and steady progress towards the revitalization of the AM Radio Service. Now is time for the Commission to reinforce its efforts by the implementation new FM Translator policy as it pertains to AM revitalization. The ideas offered by Broadcasters in these Comments are common sense measures that will continue the modernization of the FCC's rules and policies for FM Translators and concomitantly continue the revitalization of the AM Radio Service.

Twenty-six years ago, within the context of reviewing technical proposals to improve the AM broadcast service, the Commission stated the following:

Over the years ... channel congestion and interference, both radio- and environmentally-induced, have dramatically increased in the AM band. Coincident with this growth has been a decline in the fidelity of AM receivers. As a consequence, during the last twenty years there has been a well-documented shift of AM listeners to newer mass media services that offer higher technical quality and better aural fidelity. This shift in listenership has clearly dulled the competitive edge of this once vital service.

Nonetheless, we believe that AM radio continues to hold a valuable place on the communications landscape. AM service provides a significant number of outlets that contribute to the vital diversity of viewpoints and programming available to Americans. Indeed, AM often offers the only radio service to listeners in a variety of circumstances, particularly those living in and traveling through rural areas. In view of the undisputed public importance of the AM service, we believe that innovative and substantial regulatory steps must be taken to ensure its health and survival.

For the past several years, the Commission has made an intensive effort to identify the service's most pressing problems and, where relevant and feasible, to adapt the regulatory environment for AM stations that will ameliorate those problems. *Review of the Technical Assignment Criteria for the AM Broadcast Service*, 6 FCC Rcd. 6273 at paras. 2-4 (1991) (footnotes omitted).

Despite the Commission's encouraging words almost three generations ago, it is accurate

to say that the more things have changed, the more they have stayed the same. Much effort has been expended to identify the problems of the AM broadcast service, but until very recently little has been done to fix those problems. In reality, the AM broadcast service was abandoned for decades, and now it is regaining credibility and relevancy. This new momentum needs to continue.

WHEREFORE, the foregoing premises considered, Broadcasters support Aztec's rule making proposal.

Respectfully submitted,

THOMAS H. MOFFIT, JR.
TENNESSEE MEDIA ASSOCIATES
FOOTHILLS RESOURCE GROUP, INC.

By: 

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CERTIFICATE OF SERVICE

I, Sharon L. Hinderer, a legal assistant in the law offices of Putbrese Hunsaker & Trent, P.C., do hereby certify that copies of the "Comments" have been sent via first class, U.S. mail, postage prepaid, this 18th day of May 2017, to the following:

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